

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 5/27/2025
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ZAİM DERVESEVIC,	:	
	:	
Plaintiff,	:	1:24-cv-9347-GHW
	:	
-v-	:	<u>ORDER</u>
	:	
DESAI REAL ESTATE GROUP LLC, <i>et al.</i> ,	:	
	:	
Defendants.	:	
	:	
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GREGORY H. WOODS, United States District Judge:		

Plaintiff commenced this action on December 9, 2024. Dkt. No. 1. On March 17, 2025, Plaintiff filed affidavits of service indicating that Defendants Desai Real Estate Group LLC (“DREG”) and Northwest Realty Management Corp. (“Northwest”) were served on December 20, 2024 and December 23, 2024, respectively. Dkt. Nos. 12, 14. On April 21, 2025, the Clerk of Court issued a certificate of default as to Defendants DREG and Northwest. Dkt. No. 23. On May 1, 2025, Plaintiff filed an application for an order to show cause why default judgment should not be granted pursuant to Fed. R. Civ. P. 55. Dkt. Nos. 26–29. The next day, the Court issued an order to show cause why default judgment should not be granted. Dkt. No. 30.

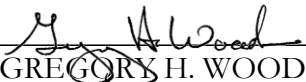
Counsel for DREG and Northwest filed a notice of appearance in this action on May 22, 2025, Dkt. No. 31, and filed a motion to vacate the clerk’s certificate of default on May 23, 2025, Dkt. No. 33. Because the Court understands that Plaintiff has consented to vacatur, *see* Dkt. No. 34 at 1, in light of the Second Circuit’s “oft-stated preference for resolving disputes on the merits,” *Enron Oil Corp. v. Diakubara*, 10 F.3d 90, 95 (2d Cir. 1993), the Court grants Defendants’ motion to vacate the entry of default against DREG and Northwest. The hearing scheduled for June 10, 2025 is adjourned *sine die*. The deadline for Defendants to answer or otherwise respond to the complaint is extended to thirty days from the date of this order.

Further, the initial pretrial conference scheduled for July 11, 2025 is adjourned to November 12, 2025 at 4:00 p.m. The deadline for the parties to file the joint letter and proposed case management plan outlined in the Court's December 11, 2024 order, Dkt. No. 11, is extended to November 5, 2025. Because Plaintiff asserts claims under the Fair Labor Standards Act, this case will automatically be referred to the Court-Annexed Mediation Program. Should mediation prove unsuccessful, the parties may make an application to the Court to reschedule the initial pretrial conference to a closer date.

The Clerk of Court is directed to vacate the entry of default as to Defendants Desai Real Estate Group LLC and Northwest Realty Management Corp. The Clerk of Court is further directed to terminate the motion pending at Dkt. No. 33.

SO ORDERED.

Dated: May 27, 2025
New York, New York



GREGORY H. WOODS
United States District Judge